

February 25, 2021

Lisa Kemmis  
Policy Manager  
Michigan State Housing Development Authority  
P.O. Box 30044  
Lansing, MI, 48909

Dear Ms. Kemmis,

The undersigned are four criminal-justice leaders in Washtenaw County: Sheriff Jerry Clayton, Chief Trial Court Judge Carol Kuhnke, Prosecuting Attorney Eli Savit, and Chief Public Defender Delphia Simpson. The four of us represent different roles—and different perspectives—in our criminal legal system. We are coming together, however, to urge MSHDA to modify its administrative plan to use only HUD eligibility criteria for voucher program eligibility. Specifically, we urge MSHDA to remove any requirements, over and above those required by HUD, that preclude people with criminal backgrounds or a history of substance use from obtaining housing.

We echo the points raised in other comments—specifically, the comments provided by Avalon Housing that “a person’s criminal background does *not* predict whether that person will succeed or fail at staying housed.” Rather than repeating points separately raised by others, however, we write to emphasize the public safety benefits to using only HUD eligibility criteria.

The data is clear. For people who were formerly justice-involved, access to stable housing is key to preventing recidivism. Research has demonstrated that providing returning citizens with stable housing makes them “significantly less likely to be rearrested or reincarcerated.”<sup>1</sup> Access to stable housing also makes returning citizens “significantly more likely to be delivered substance abuse and mental health services.”<sup>2</sup>

The flipside is also true. The data indicates that *lack* of housing makes a person significantly more likely to commit a crime.<sup>3</sup>

In Washtenaw County—where affordable housing is scarce—we see this dynamic play out repeatedly in our criminal legal system. People who lack access to stable housing repeatedly cycle through our criminal system. Often, those people are cycled through the justice system for low-level crimes that are based in homelessness. Indeed, during the cold winter months, some

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<sup>1</sup> Jocelyn Fontaine, et. al., *Supportive Housing for Returning Prisoners: Outcomes and Impacts of the Returning Home—Ohio Pilot Project*, Urban Institute Justice Policy Center (Aug. 2012).

<sup>2</sup> *Id.*

<sup>3</sup> See, e.g., Stephen Metraux, et. al. *Incarceration and Homelessness*, 2007 National Symposium on Homelessness Research at 9-22 (2007) (“[E]vidence supports the plausible assumption that there exists a spiraling process in which involvement in” the homelessness or incarceration “domain subsequently increases the risk for the other”); see also Amy Walker, *Two-Thirds of Homeless Ex-Prisoners Reoffend Within a Year*, *The Guardian* (Aug 12, 2019), available at <https://www.theguardian.com/society/2019/aug/12/two-thirds-of-homeless-ex-prisoners-reoffend-within-a-year> (discussing data from Britain).

judges in this county have observed unhoused people intentionally committing low-level offenses simply so that they can be housed in the county jail.

Lack of access to stable housing, moreover, adversely affects our efforts to provide services and resources to those who are dealing with substance-use or mental-health issues. Washtenaw County, for example, runs several “problem-solving” courts. These courts provide judicially supervised treatment for people dealing with mental-health or substance-use issues. Access to housing, however, remains perhaps the thorniest issue in providing stability to participants in those courts.

In short, providing people with criminal histories access to subsidized housing (to the fullest extent allowed by HUD) promises to lower recidivism rates, and allow for more effective rehabilitation and treatment. That benefits all of us. At bottom, provision of stable housing—particularly to those who have been justice-involved—is a key to keeping our community safe.

We therefore urge MSHDA to amend its administrative plan to use only HUD eligibility criteria for voucher program eligibility.

Respectfully,

**Jerry Clayton**  
Washtenaw County Sheriff

**Hon. Carol Kuhnke**  
Chief Judge, Washtenaw County Trial Court

**Eli Savit**  
Washtenaw County Prosecuting Attorney

**Delphia Simpson**  
Washtenaw County Chief Public Defender